

Notice of Allowability

Application No.

10/067,171

Examiner

Paul Callahan

Applicant(s)

GOTOH ET AL

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-26-2005.
2. ☒ The allowed claim(s) is/are 36-39.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/441,338.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

cf. file
EMMANUEL L. MOISE
 SUPERVISORY PATENT EXAMINER

AD

DETAILED ACTION

Response to Amendment

1. Claims 36-39 are pending in this application and have been examined.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence E. Ashery, Reg. No. 34,515, on 9-15-2005.

In the Claims:

Claim 38 should read as follows:

38. An optical disk, comprising:
a barcode-like mark: and
an identifier for indicating whether or not said barcode-like mark is present on
said optical disk,
said barcode-like mark and said identifier are in separate locations.

Claim 39 should read as follows:

39. A method of reproducing an optical disk on which data is recorded,
wherein in a prescribed region of said disk, an identifier is provided for indicating
whether a barcode-like mark is present or not on said optical disk, said barcode-
like mark is disposed in a circumferential direction, and said barcode-like mark
having a plurality of bars, said method comprising the steps of
a) focusing a beam on an information layer of said optical disk,
b) confirming said optical disk having a control data area and an
identifier for indicating the presence or not of said a barcode-like mark, wherein
said identifier and said barcode-like mark are in separate locations and
c) controlling an optical head based on the step of said confirming b)
whether or not to read said a barcode-like mark.

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In The Specification:

Please insert the following paragraph at page 1, line 7:

CROSS-RELATED APPLICATIONS

This application is a continuation application of U.S. Patent Application Serial No. 09/595,139, filed June 15, 2000, now U.S. Patent No. 6,457,128, which is a Continuation Application of U.S. Patent Application Serial No. 09/441,338, filed November 16, 1999, which is now U.S. Patent No. 6,141,419, issued October 31, 2000.

Allowable Subject Matter

2. Claims 36-39 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The closest prior art in the field, Lentz, US 5,706,047, and Torrey US 3,752,961, do not teach the feature found in the independent claims of an indicator which indicated the presence or absence of a barcode-like mark configured on an optical disk in the manner of claimed invention, wherein the barcode-like mark and indicator are found in separate locations on the disk.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.



9-15-05



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER